

Serial No. 10/686,476

Amendment in Resp. to Off. Action of Nov. 21, 2005

UTILITY PATENT

B&D No. JK01483A

REMARKS

Applicant has amended Claims 1, 3, 11, 20 and 26, and canceled Claim 4. Currently in the above-identified application therefore are Claims 1, 3 and 5-26. The Examiner has rejected Claim 1 under 35 USC § 102(b) as anticipated by US Patent No. 3,083,744 ("Vold").

Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 1, as amended, calls for an apparatus for providing workpiece positioning, comprising a support surface for supporting a workpiece, an adjustable retention member, movable relative to the support surface for providing workpiece positioning, and a securing mechanism, connected to the retention member, the securing mechanism being constructed for securing the retention member in a desired orientation, wherein the retention member is capable of pivotally obtaining an extended orientation disposed substantially above the support surface and a retracted orientation disposed below the support surface.

Vold does not have a retention member that moves between an extended orientation disposed substantially above the support surface and a retracted orientation that extends substantially below the support surface, as required by Claim 1. Accordingly, Vold cannot anticipate Claim 1.

The Examiner rejected Claims 3, 5-6, 11-14, 18 and 20-23 under 35 USC § 102(b) as anticipated by US Patent No. 4,423,860 ("Windstrup"). The Examiner also rejected Claims 10 and 19 under 35 USC § 103(a) as being unpatentable over Windstrup in view of US Patent No. 5,483,858 ("Chen"). Reconsideration and withdrawal of this rejection are respectfully requested.

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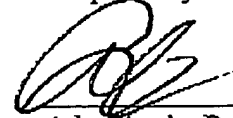
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The Examiner has noted that Claim 4 contains allowable subject matter. Applicant has amended Claims 3, 11 and 20 to include some of the elements of Claim 4. In particular, Windstrup does not have a retention member that moves between an extended orientation disposed substantially above the support surface and a retracted orientation that extends substantially below the support surface, as required by Claims 3, 11 and 20. Accordingly, Windstrup cannot anticipate or render unpatentable Claims 3, 5-6, 10-14 and 18-23.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1, 3 and 5-26 are respectfully requested.

No fee is due for the present amendment. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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